1867-002 Chancery Causes: Leonidas S. Fulkerson vs. Ann Eliza Fulkerson & Lee Co.

CA- Estate Dispute
T- Property

To the Worshipful County Court of Lee County, in Chancery sitting, the bill of complaint of Leonidas S. Fulkerson, of said County, respectfully represents:

That John W. Fulkerson, formerly of the said County died some years ago, about the day of , owning and seized of a tract of land lying in Lee County on which your orator now lives, containing about 160 acres, being a part of the tract which belonged in his lifetime to Peter Fulkerson sen'r. deceased, by whom it was conveyed to the said John, who was his son. The said tract adjoins the land of Thomas S. Gibson on one side, and the land of Mrs Elinor Fulkerson on the other. The said John W. Fulkerson left at his death seven children his heirs, and as he died intestate the said tract of land descended to them. Of those children your orator is one, and William K. Fulkerson was another. The said tract of land has never yet been partitioned among the said heirs, each of whom was entitled to one equal seventh part. About the day of your orator purchased from his said brother William his undivided share of the said tract of land. The contract was not reduced to writing, owing to the confidence & close relationship existing between the parties. Your orator has since paid to the said William all the purchase money for his said undivided share, which is shewn by the said William's receipt, dated on the 27th day of February 1862, and which is filed herewith as part of this bill marked (A.). The said receipt is the only evidence in writing of the said contract.

Since the date of the said receipt, the said William died, about the day of intestate, ~~leaving a~~ without having made a deed of conveyance of the said share in said tract of land to your orator. He left at his death two children, his heirs at law, to whom the legal title to said share descended, to wit, Ann Eliza Fulkerson & ~~Martha Emmeline Fulkerson~~ Elizabeth Evaline

Fulkerson, both of whom are infants under the age of twenty one years. His widow Martha Emmeline Fulkerson is also living. The said widow and two infant children do not live in the State of Virginia, but are residents of the State of Tennessee.

The prayer of your orator therefore is, that the said Martha Emmeline Fulkerson widow of William R. Fulkerson deceased, and Ann Eliza Fulkerson and Elizabeth Evaline Fulkerson, the children & heirs at law of the said William R. Fulkerson deceased, be made parties defendant to this bill, and be required to answer its several allegations truly upon oath; that a guardian ad litem be appointed for the said infants, to defend them in this cause; that upon a final hearing of the suit your worships will decree that a conveyance be made to your orator of the said undivided interest in the aforesaid tract of land, and, as the said defendants are residents of a distant part of Tennessee, that you will appoint and direct a commissioner to make such conveyance; And that your worships will extend to him such other relief as may be suited to his case and be consistent with equity.

May it please your worships to grant the Commonwealth's spa, directed, &c.

Johnston,
for compl't.

(J.

Leonidas S. Fulkerson

vs. } Bill — Chy.

Ann Eliza Fulkerson Def.

Exhibit filed. Taxes paid.

1866 April — Bill Filed & Order Publication & Cont'd.

" May. Cont'd for publication

" June Cont'd " "

— July — Sub. Compl't & Decree Nisi

— Aug — Decree Nisi Cont'd

— Sept & Oct. Continued

— Nov — J. H. Hood appointed Guard. ad litem of Infant Defts and Cause set for hearing.

— Nov. Decree appointing Com'r to make conveyance &c. —

1867 January Term Decree Final & Stricken from the Docket.

	6	3.50
	7	5.00
G. A. L.		8.00
	1	50
	8	50
		14.50

Ord 106

Received ~~of~~ of L. T. Fulkerson
the amount in full. Due me for
my Distributive part of the proceeds
of the land owned by my self
brothers and sisters in Lee County Va
February 27th 1862 W R Fulkerson

(A.)

To the worshipful County Court of Lee County in Chancery now sitting.

The answer of Ann Eliza Fulkerson and Elizabeth Evelina Fulkerson infants by J. H. Wood their guardian ad litem to a bill filed in this court against the said infant defts

Respts saving the benefit of all just exceptions for answer says that the allegations set forth in this plaintiffs bill may be true but these infants being of tender years and not understanding all their legal rights to which they may be entitled, and as a court of Chancery is the proper guardian of the rights of infants, this Respt therefore submits the matter in litigation to this worshipful court, and prays that their rights may be protected.

Having answered so far as Respt deems it necessary, pray that they be hence dismissed &c

Fee 5$

J. H. Wood
Guard ad litem
for infant defts

(W

Leonidas S Fulkerson

vs

Answer of guard ad litem

Ann Eliza Fulkerson &al

Ch 106

L. S. Fulkerson vs. A. E. Fulkerson & al.

Peter C. Johnston, the Commissioner appointed by the decree in this cause rendered at the November Term 1866 to convey to the complt the equal undivided seventh part of the tract of Land in the bill mentioned, having executed such deed as said decree directs, & acknowledged the same before the Clerk in his office, which deed is filed among the papers of this cause, it is ordered & decreed, that the said deed be confirmed, and recorded, and delivered to the said Leander S. Fulkerson; And this cause is ordered to be stricken from the docket.

Lee S Fulkerson

vs } Decree Final

Ann Eliza Fulkerson et al

Entered Order Book
Page 601
H.H. Morgan Clk

Chd 106

Leonidas S. Fulkerson vs. Ann Eliza Fulkerson Exr — Dfts.

This cause came on this 22nd day of November 1866, to be heard, upon the bill of the complainants, the answer of ~~the defendants by~~ James K. Wood guardian ad litem of the defendants, the exhibit filed, and was argued by counsel; ~~and the order of publication heretofore entered against the defendants appearing to have been duly posted & published, and more than the month having elapsed since the publication of said order was completed, and~~ and it appearing, by the exhibit marked (A) filed in this cause, that the complainant paid fully to William R. Fulkerson in his life time the purchase money for the undivided share of the said William R. Fulkerson in the tract of 160 acres of land in the bill mentioned, and is entitled to a conveyance of the legal title thereto; It is therefore adjudged, ordered, & decreed, that the defendants execute a proper deed, conveying all their right, title, claim, and interest in and to one equal undivided seventh part of the tract of land in the bill

mentioned which formerly belonged to John W. Faulkner deceased; And as the defendants are residents of the State of Tennessee and two of them are infants, it is further adjudged and decreed, that Peter C. Johnston, who is hereby appointed a special commissioner for the purpose, execute such conveyance for the defendants, with covenants of special warranty, and report the same to the Court at the next term; Till which time this cause is continued.

Ch. Ct. Hamilton
Wm. Ellis Plaintiff
vs
Harris Exrs. 1866.
Filed in Office
June 5th
J. McLeod C.

7½
8
52.

Lee County to wit

Leonidas D. Fulkerson personally appeared before the undersigned clerk of the county court of said county, and made Oath that Martha E. Fulkerson Ann Eliza Fulkerson and Eliza Beth E. Fulkerson against whom he has instituted Suit are not residents of the State of Virginia, Given under my hand this 2nd April 1864

Henry J. Morgan Clerk

Leonidas S. Fulkerson

vs } Affidavit

Martha E. Fulkerson et al

Ch 106

Virginia,

At Rules held in the clerk's office of the County Court of Lee County, on Monday the 2nd day of April 1866

Leonidas L. Fulkerson Complainant.

against

Marcha Emmeline Fulkerson, Ann Eliza Fulkerson, and Elizabeth Evaline Fulkerson, Children and heirs at law of John W. Fulkerson deceased. Defendants. } In Chancery

The object of this suit is to obtain a legal title to the lands mentioned and described in complainant's bill; And it appearing from an affidavit filed in the cause, that the defendants are non-residents of this Commonwealth, they are therefore ordered to appear here within one month after due publication of this order and do what is necessary to protect their interest in this suit.

A Copy.

Teste. Henry J. Morgan clerk.

Virginia, Lee County to wit,

Be it remembered on this day. Henry J. Morgan clerk of the County court of Lee County. personally appeared before me, a Justice of the peace, in and for said County. and made oath. that he caused to be posted at the front door of the court house of said County. on the 16th day of April 1866. (that being court day) a correct office copy of the within order of publication, Given under my hands, this 9th day of April 1866.
May

D Patrick J. P. Lee Co

Lee & Fulkerson
vs
Order Publication
Martha E. Fulkerson &c
April Rules 1866.

The Commonwealth of Virginia,

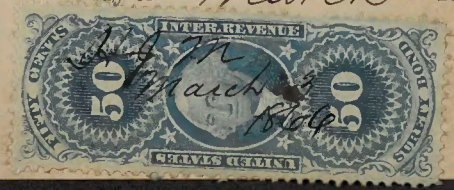
TO THE SHERIFF OF LEE COUNTY, Greeting:

WE COMMAND YOU TO SUMMON Martha Emmeline Fulkerson Ann Eliza Fulkerson, and Elizabeth Emmeline Fulkerson.

to appear before the Justices of our County Court for Lee county, at the Courthouse, at Rules to be holden for the said on the First Monday in April next, to answer a bill in Chancery exhibited in our said Court against them by Leonidas S. Fulkerson

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk, of our said Court, at the Courthouse, this 23rd day of March 1866, in the 90th year of the Commonwealth.

Henry J. Morgan — Clerk.



Lee S. Fulkerson

vs. Spa in Chy

Martha E. Fulkerson & als

April Rules 1866

March 26th 1866.

Not executed the Defts.
mentioned within are not
citizens of the State of Virginia
as I am informed and
believe

B. F. Thompson
C.S.C.

Chd 106

Non Residents

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, Greetings:

WE COMMAND YOU TO SUMMON Martha Emmeline Fulkerson Ann Eliza Fulkerson and Elizabeth Evaline Fulkerson

to appear before the Justices of our County Court of Lee county, at the Courthouse, at Rules to be holden for the said on the First Monday in April next, to answer a bill in Chancery exhibited in our said Court against them by Leonidas F. Fulkerson

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Courthouse, this 23rd day of March 1866 in the 90th year of the Commonwealth.

Henry J. Morgan Clerk.

A Copy Teste - Henry J. Morgan Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, Greeting:

WE COMMAND YOU TO SUMMON Martha Emmeline Fulkerson, Ann Eliza Fulkerson, and Elizabeth Evelina Fulkerson

to appear before the Justices of our County Court of Lee county, at the Courthouse, at Rules to be holden for the said on the First Monday in April next, to answer a bill in Chancery exhibited in our said Court against them by Leonidas T. Fulkerson

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Courthouse, this 23rd day of March 186 6, in the 90th year of the Commonwealth.

Henry J. Morgan Clerk.

A Copy Teste- Henry J. Morgan Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, Greeting:

WE COMMAND YOU TO SUMMON Martha Emmeline Fulkerson, Ann Eliza Fulkerson, and Elizabeth ~~Emmeline~~ Caroline Fulkerson.

to appear before the ~~Justices~~ of our ~~County~~ Circuit Court for Lee county, at the Courthouse, at Rules to be holden for the said on the First Monday in April next, to answer a bill in Chancery exhibited in our said Court against them by Leonidas F. Fulkerson

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk, of our said Court, at the Courthouse, this 23rd day of March 1866, in the 90th year of the Commonwealth.

Henry J. Morgan Clerk.

A Copy Teste- Henry J. Morgan Clerk

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published *four weeks successively*, in the "ABINGDON VIRGINIAN," a newspaper published in the town of Abingdon, Va. Given under my hand this 25th day of May 1866.

and ending May 11th 1866

Geo. R. Barr
Jr. Ed. "Virginian"

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 2d day of April, 1866:

Leonidas S. Fulkerson, Complainant,

AGAINST

Martha Emeline Fulkerson, Ann Eliza Fulkerson, and Elizabeth Eveline Fulkerson, children and heirs at law of John W. Fulkerson, deceased, Defendants.

IN CHANCERY.

The object of this suit, is to obtain a legal title to the lands mentioned and described in Complainant's bill: And it appearing from an affidavit filed in the cause, that the defendants are non-residents of this Commonwealth, they are therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, Clk.

April 20, 1866—4w